

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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R. Alexander Acosta, Secretary of Labor,  
United States Department of Labor,

Case No. 18-cv-1489 (WMW/ECW)

Plaintiff,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

Luxury Floors, Inc., and Ruben Ruiz,

Defendants.

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This matter is before the Court on the December 7, 2018 Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright. (Dkt. 25.) Objections have not been filed in the time period permitted. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The December 7, 2018 R&R, (Dkt. 25), is **ADOPTED**.
2. Plaintiff R. Alexander Acosta's motion to strike affirmative defenses, (Dkt. 15), is **GRANTED IN PART AND DENIED IN PART** as follows:

- a. Defendants Luxury Floors, Inc., and Ruben Ruiz's affirmative defenses numbered 5, 7, 12 (as to unclean hands), 18, and 19 are stricken

**WITHOUT PREJUDICE;**

- b. Defendants' affirmative defenses numbered 12 (as to laches) and 14 are stricken **WITH PREJUDICE**; and
- c. Plaintiff's motion to strike affirmative defenses, (Dkt. 15), is **DENIED** as to Defendants' affirmative defenses numbered 3, 11, 12 (as to waiver and estoppel), 13, and 17.

Dated: February 15, 2019

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge